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* MEMBER OF NY BAR
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VIA ECF UNDER SEAL¹

August 5, 2022

Honorable Lorna G. Schofield
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Network Data Rooms, LLC v. Saulrealism LLC et al* (22-cv-02299-LGS)
DR 7-102 [1200.33] [B] (2) Fraud upon a Tribunal

Your Honor:

Please be reminded that Goldberger & Dubin, P.C., represents the defendants in this action, Saulrealism LLC, and Ryan Saul. Defendants submit, without leave of Court, this letter regarding evidence provided to this Court that has been materially falsified. Pursuant to DR 7-102 [B][2], counsel is obligated to reveal the fraud to the tribunal.

On March 25, 2022, Plaintiff filed a motion for a Preliminary Injunction and Temporary Restraining Order [Doc 9]. Included in this filing was an Affidavit Declaration of David Delorge (exhibit #4) and an email offered in support (exhibit #5), which has been appended as Exhibit 1. As the Court is aware, a two-day hearing was held, and David Delorge testified in support of Plaintiff's application. Terry Patterson was appointed as an independent expert and has provided three reports regarding the substance of the motion. The motion is still pending.

Subsequently, Plaintiff has produced emails from David Delorge in response to discovery and inspection demands. The email proffered as exhibit #5 does not exist as it was provided to the Court. There is an email that was the original and then subsequently falsified prior to submission. Exhibit 2 is an email which was marked and produced as Plaintiff's Prod 000345.

There are material alterations that have been made prior to submission of evidence to this Court regarding both dates and branches that are highly relevant to the pending motion.

Specifically, the following material changes have been intentionally altered:

¹ This letter is filed under seal, as it contains information produced by the Plaintiff that was marked "CONFIDENTIAL" pursuant to the parties stipulated Protective Order [Doc 63]. Defendants have no opposition to unseal this letter.

- (1) The dates of the email have been altered from January 16, 2021 to October 19-20, 2021²; and
- (2) Defendant Saul's response to the email regarding branches, changes from "GraphAPILogin" to "Ryan Development."

The remaining characters and even typographical errors are consistent on both emails. As there is clear falsification to the tribunal on a pending motion, counsel is obligated to inform the Court.

Respectfully submitted,

Goldberger & Dubin, P.C.

/s/Renee M. Wong
Renee M. Wong, Esq.
On behalf of Defendants
Of Counsel

² During cross-examination, it was shown that the emails were dated Saturday, October 19, 2021 and Saturday, October 20, 2021. October 19, 2021 was a Tuesday. January 16, 2021 was a Saturday.

Exhibit 1 - Affidavit Declaration of David Delorge (exhibit #4) and an email offered in support (exhibit #5) in Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order [Doc 9]

EXHIBIT A

David Delorge

From: David Delorge
Sent: Tuesday, March 1, 2022 5:55 PM
To: David Delorge
Subject: FW: quick quesrion on source control

From: Ryan Saul <rsaul@dealtable.com>
Sent: Saturday, October 20, 2021 8:44 PM
To: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Subject: Re: quick quesrion on source control Repo & Checkins

New branch under project Ryan Development.
I Just Checked in and it is up to date.

From: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Sent: Saturday, October 19, 2021 5:44 PM
To: Ryan Saul <rsaul@dealtable.com>
Subject: quick quesrion on source control

Hi ya, May I ask where your committing code to?
I was looking through the Projects in Azure Devops- and wondered which project your using?

I am not seeing new check-ins. Can you advise?

Thanks

David J. DeLorge

Chief Cloud Architect
Team Lead

Cell Phone# 571-214-0156

Microsoft CIE TEAMS Trainer
Microsoft Certified Azure Architect
Microsoft Certified Customer Immersion Expierience Instructor
Microsoft Certified AI Engineer
Microsoft Certified Security Engineer
Microsoft Certified Azure Administrator
Microsoft Certified 365 Identity and Services
EHC Certified White Hat Hacker 2019
AWS Certified cloud developer



Microsoft
CERTIFIED
Professional

Microsoft
Partner
Microsoft

Gold Cloud Customer Relationship Management
Gold Cloud Platform



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Exhibit 2 - Email which was marked and produced as
Plaintiff's Prod 000345

David Delorge

From: Ryan Saul
Sent: Saturday, January 16, 2021 9:44 PM
To: David Delorge
Subject: Re: quick quesrion on source control

New branch under project backend_v2. Branch name is GraphAPILogin.

From: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Sent: Saturday, January 16, 2021 9:42 PM
To: Ryan Saul <rsaul@dealtable.com>
Subject: quick quesrion on source control
Hi ya, May I ask where your committing code to?
I was looking through the Projects in Azure Devops- and wondered which project your using?
[Projects - Home \(azure.com\)](#)

Thanks

David J. DeLorge

Chief Cloud Architect
Team Lead

Cell Phone# 571-214-0156

Microsoft CIE TEAMS Trainer
Microsoft Certified Azure Architect
Microsoft Certified Customer Immersion Experience Instructor
Microsoft Certified AI Engineer
Microsoft Certified Security Engineer
Microsoft Certified Azure Administrator
Microsoft Certified 365 Identity and Services
EHC Certified White Hat Hacker 2019
AWS Certified cloud developer



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